SECTION 112 OBJECTIONS

The objections per section 112 have been addressed though the more clear description of first or second spring devices being in a substantial alignment and therefor forming a flange of either first or second spring devices so-aligned with the communicating connector device.

SECTION 102 OBJECTIONS

The examiner rejected claims 13-21 and 23-27 per *35 USC §102(B)* per Ogi.

Ogi lacks the formation of a continuous uninterrupted flange between first and second end of the stent formed by the connector devices and adjacent spring devices substantially aligned with the connector. Ogi instead has connectors in between peaks of the individual zig-zag sections, and do not align with adjoining first or second spring devices to form a single, uninterrupted, flange, extending between the first and second end.

As earlier noted:

> "Anticipation requires the presence, in a single prior art reference, disclosure of, *each and every element,* of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984)

The cited art, lacking the continuous uninterrupted flange of aligned connectors and adjacent first or second spring devices thus does not have each and every element of applicant's device .

As such the rejection pursuant to section 102 is respectfully traversed.

Section 103 Objections

Since Ogi lacks continuous, uninterrupted flange between the first and second ends of the stent as claimed by Applicant, any combination with Ogi would also lack that structure. Consequently the citation of Ogi for all elements but the thicker connectors is respectfully traversed since Ogi lacks the continuous flange formed of connectors and spring sections.

Further the Examiner cites Ogi, (column 5 lines 45- column 6 line 13) for the proposition that the connectors can be made wider or larger than the size of the spring sections as obvious. This section of Ogi does not speak to making the connectors or spring sections of different sizes, but only to the cutting the entire device to sizes to allow later machining and such.

At Column 54 line 52 to column 5 line 4, Ogi speaks to the intent of the connectors or bridges, to "act as springs" and "store energy" to hopefully restore the stent to its length.

There would thus be no reason or inducement for Ogi to make the connectors larger than the adjoining spring sections to prevent the segments from moving closer after implant since OGI teaches flexing of the connectors. Larger connectors will not act as springs if made larger than the adjacent spring sections to which they connect because the connectors will not bend before the thinner springs.

Further, Ogi is thus not providing a means to maintain the length of the stent since allowing the connectors to flex as is taught, will allow the adjoining segments to move closer to each other when the connectors flex allowing a potential collapse of the length of Ogi.

REMARKS AND CONCLUSION

Applicants' device claims elements providing function, which are neither taught nor suggested in the cited prior art which teaches against Applicant's construction of forming an uninterrupted flange extending from the first and second ends of a stent formed of both the connectors and spring sections of adjoining segments of each connector therebetween. Neither does it teach or suggest aligning the spring sections of adjoining segments with the engaging connectors to form a single uninterrupted flange from the first to the second end of the stent.

Additionally, Applicant as noted in the specification, considers the improvement to be substantial, in that it provides an especially strong stent to resist length compressive forces frequently encountered in implants and is much more easily constructed using tubing and laser cutting. As such Applicant feels it is a significant advance in stents and provides great benefits to the end user and patient.

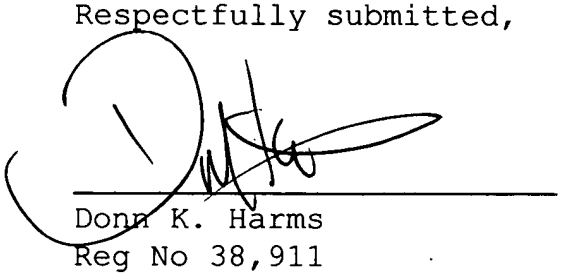
However, as noted in the earlier action, even if the Examiner does not consider Applicant's claimed device a great advance in the crowded art, it has been established that one should not be deprived of patent protection where it can be shown that *any genuine improvement* has been made, on comparison, with other inventions in the art, even if the improvement is simple, slight, or lacks the appearance of a great advance in the art.

As noted in an earlier action, the CCPA in the case of re Meng and Driessen, 181 USPQ 94, on page 97, reiterated the principal that, even though the invention seems a simple advance over prior art, *after the fact*, simplicity, particularly in a crowed art, argues *for*, rather than against, patentability.

Applicants' device with a continuous end to end flange and with larger connectors connecting smaller spring sections, provides genuine improvement in the stent art, and even where the improvements are considered simple in a crowded art, Applicants' device provides improvements that argue *for* patentability. As such, all claims of the application should now be in position for allowance.

Finally, should the Examiner have suggestions to more clearly define the claims to more clearly define the patentable subject matter, and hasten approval, the Applicant's attorney would be most receptive to such by telephone or Examiner's amendment.

Respectfully submitted,



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May 28, 2008